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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/754,026

01/08/2004

Avoki M. Omekanda

DP-310298

6093

22851 7590 06/16/2008
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EXAMINER

AURORA, REENA

ART UNIT

PAPER NUMBER

2862

MAIL DATE

DELIVERY MODE

06/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/754,026	Applicant(s) OMEKANDA ET AL.	
	Examiner Reena Aurora	Art Unit 2862	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This communication is in response to amendment received on 3/11/08.

Claims 1 – 24 are presented for examination.

Claim Objections

Claims 1, 9 and 17 are objected to because of the following informalities: Claim 1, lines 9 and 10, applicant is suggested to delete "(14)". Claim 9, lines 9 and 11, applicant is suggested to delete "(14)". Claim 17, lines 9 and 11, applicant is suggested to delete "(14)". Appropriate correction is required.

Claims 1, 9 and 17 are objected to because of the following informalities: Lines 8 - 9, the phrase "the direction of magnetization" lacks antecedent basis. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Dawley (4,719,419).

As to claims 1, 9 - 10 and 17, Dawley discloses an apparatus for detecting a rotary position of a shaft comprising a ring magnet (32, fig. 4, 5) couplable to the rotatable member (30), the magnet (32) defining magnetic flux lines, said magnetic flux lines having a magnetic flux direction within the magnet (32) and emanating from a magnetic pole on a first surface of said ring magnet (32) and returning to an opposite magnetic pole on a second surface, and first surface being distinct from said second surface, portions of the magnetic flux lines being main flux lines emanating away from the magnet and aligned within 45 degrees with the direction of magnetization, and portions of the magnetic flux lines being return flux lines returning in directions forming an angle of more than 45 degrees with the direction of magnetization; and at least one magnetic field sensor (36) disposed in at least one of said return flux lines and outputting a signal representative of the angular position of the magnet (32) (Note col. 2, lines 58 – 62 and col. 3, line 45 – col. 4, line 20).

As to claim 2, Dawley discloses that the sensor (36) is disposed radially outside of an outer diameter of the magnet (32).

As to claims 3, 11 and 18 - 19, Dawley discloses that the sensor (36) is a Hall effect sensor (col. 3, line 61).

As to claims 4, 12 and 20, Dawley discloses that the sensor (36) is oriented to sense a radial component of magnetic flux (col. 4, lines 13 - 20).

As to claims 5, 13 and 21, Dawley discloses that the sensor (36) is located in a return flux line at a location where the return flux line is substantially parallel to an annular surface of the magnet (32).

As to claims 6, 14 and 22, Dawley discloses that the sensor (36) is oriented to sense an axial component of magnetic flux.

As to claims 7 – 8, 15 - 16 and 23 - 24, Dawley discloses that the magnet (32) defines a central axis and a plane perpendicular to the axis, the sensor (36) being disposed substantially in the plane.

Response to Arguments

Applicant's arguments with respect to claims 1 - 24 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reena Aurora whose telephone number is 571-272-2263. The examiner can normally be reached on Monday - Friday, 7:00 - 3:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, P. Assouad can be reached on 571-272-2210. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Reena Aurora

/Reena Aurora/
Primary Examiner, Art Unit 2862